

## CITY COUNCIL PROCEEDINGS

AUGUST 22, 2006

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 22, 2006  
Tuesday, 9:37 A.M.

The City Council met in regular session with Vice-Mayor Gray in the Chair. Council Members Brewer, Fearey, Martz, Schlapp, and Skelton present. Mayor Mayans absent with prior notice.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the August 15, 2006 meeting were approved 6 to 0, (Mayans absent).

CONSENT AGENDA

Motion--  
--carried

Gray moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Mayans absent).

**BOARD OF BIDS****REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 21, 2006.**

Bids were opened August 18, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Pawnee, Washington to Hydraulic KDOT (87N-0235-01/472-83858/706869/636115/ 204335/772512) Traffic to be maintained during construction using flagpersons & barricades. (District III)

APAC- Kansas Inc. - \$2,593,462.15 (Upon KDOT Approval)

2006 Sanitary Sewer Reconstruction, Phase 3 various locations north of Pawnee, between Meridian (468-84195/620456/666575) Traffic to be maintained during construction using flagpersons & barricades. (District III, IV, VI)

WB Carter Construction - \$149,131.00

2006 CIP Arterial Street Rehabilitation 135th Street West, Maple to Central (472-84429/ 706957/620447/206423/665567) Local traffic will be allowed access during construction unless arrangements are made with the homeowners. (District V)

Cornejo & Sons Construction - \$355,000.00 (Engineer's Estimate)

Michelle, from the north line of Tara Falls 3rd Addition to a point 15 feet north of the south line of Tara Falls 3rd Addition, including a temporary turnaround at the south end to serve Tara Falls 3rd Addition north of Pawnee, west of 127th Street East (472-84425/ 766105/490122) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$38,454.00

Ralph Wulz Tennis Court Reconstruction north of Central, east of Stackman Drive (472-84439/785078/602041/396210/862220) Does not affect existing traffic. (District I)

Yeadon Air Structures - \$403,308.00 (Base Bid)

23,279.00 (Add vehicle airlock entrance/option item)  
\$426,587.00 (Total Bid)

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Motion --

Gray moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Mayans absent)

--carried

## FIRE DEPARTMENT/SAFETY DIVISION: Testing Instruments

Alliance Medical, Inc. - \$38,876.04 (Total Net Bid)

## PARK & RECREATION DEPARTMENT/GOLF COURSE DIVISION: Grass Seed, Rye

Williams Lawn Seed Inc. - \$46,500.00 (Total Net Bid)

Motion--

Gray moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Mayans absent).

--carried

## LICENSE

### APPLICATION FOR LICENSE.

#### Renewal

Valerie Washington      Xcitement Video      3909 West Pawnee

Motion--

Gray moved that the license be approved subject to Staff review and approval. Motion carried 6 to 0, (Mayans absent).

--carried

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u>      | <u>2006</u>                       | <u>(Consumption on Premises)</u>  |
|---------------------|-----------------------------------|-----------------------------------|
| Alan Bundy          | Homestead Restaurants LLC         | 306 North Rock Road #70           |
| dba Zpizza*         |                                   |                                   |
| Linda M. Soria      | Cholitas Mexican Restaurant Inc.* | 8987 West Central                 |
| Armando Desantiago  | ElPeron Enterprises LLC*          | 3824 East Harry                   |
| <u>Renewal</u>      | <u>2006</u>                       | <u>(Consumption off Premises)</u> |
| Kulwinder           | Jaswal Petro America              | 223 East 21st Street              |
| Jack N. Reif        | Target Store T-1944               | 10800 East 21st Street North      |
| Jack N. Reif        | Target Store T-1945               | 2727 Maize Road                   |
| <u>New Operator</u> | <u>2006</u>                       | <u>(Consumption off Premises)</u> |

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--

Gray moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Mayans absent).

--carried

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## PRELIM ESTS

### PRELIMINARY ESTIMATES:

- a) Central, Oliver to Woodlawn (87N-0135-01/472-83873/706871/636124 /620377/204337/773520/663498) Traffic to be maintained during construction using flagpersons & barricades. (Districts I, II) - \$5,540,894.
- b) Central, Woodlawn to Rock Road (87N-0251-01/472-83874/706872/636114/204338/772511) Traffic to be maintained during construction using flagpersons & barricades. (District II) - \$5,265,000.
- c) Fawn Grove from the east line of Lot 66, Block 2 to the west line of Lot 83, Block 2 to serve Fawn Grove at Sunset Lakes Addition - south of Kellogg, west of Greenwich. (472-84408/765995/490112) Does not affect existing traffic. (District II) - \$276,000.
- d) 2006 Contract Maintenance Area Concrete Street Repairs, Phase 2 - north of Pawnee, west of Woodlawn. (472-84370/132719/620447/133116/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, IV, V) - \$175,000.
- e) Water Main Replacement to serve Garfield Addition - east of K-42, south of Kellogg and west of Hiram, north of Dooley. (448-89809/636171/776564) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$900,000.
- f) Accel/Decel Lane on 21st Street North from the west property line of Oak Creek Addition to Greenwich Road to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (472-84206/765935/ 490048) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$252,000.
- g) Sanitary Sewer Repairs at 2127 Keeneland Circle - south of 21st Street North, east of Webb Road. (468-84211/620459/666578) Does not affect existing traffic. (District II) - \$25,000.
- h) Water Distribution System to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (448-90093/735327/470998) Does not affect existing traffic. (District II) - \$94,000.
- i) Lateral 5, Main 4 Northwest Interceptor Sewer to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (468-83974/744188/480876) Does not affect existing traffic. (District V) - \$155,000.
- j) Storm Water Sewer #618 to serve Falcon Falls 3rd Addition -north of 45th Street North, west of Hillside. (468-84099/751420/485311) Does not affect existing traffic. (District I) - \$123,200.00Cost of construction of Main 4, Northwest Interceptor Sewer - along 135th Street West from Central to 21st Street. (District V) (468-83889/744149/480-837) – Total Estimated Cost \$3,600,000.
- k) Cost of construction of Main 4, Northwest Interceptor Sewer - along 135th Street West from Central to 21st Street (District V) (468-83889/744149/480-837) – Total Estimated Cost \$3,600,000.

Motion--carried

Gray moved that the file be received. Motion carried 6 to 0, (Mayans absent).

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## PETITIONS

### PETITIONS FOR PUBLIC IMPROVEMENTS:

#### CLIFTON COVE

#### CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR CLIFTON COVE ADDITION, CLIFTON HEIGHTS COMMERCIAL ADDITIONS AND TWO UNPLATTED TRACTS, NORTH OF 63RD STREET SOUTH ALONG BOTH SIDES OF CLIFTON. (DISTRICT III)

Agenda Report No. 06-0865

On November 15, 2005, the City Council approved a Petition to construct a Water Distribution System for Clifton Cove Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. In addition, the scope of the project has been expanded to serve a much larger area. The signature on the new Petition represents 100% of the improvement district.

The project will serve new residential and commercial developments located on both sides of Clifton, between 63rd St. South and 55th St. South.

The existing Petition totals \$384,000 with \$238,000 assessed to the improvement district and \$146,000 paid by the Water Utility. The new Petition totals \$1,100,000 with \$709,500 assessed to the improvement district and \$390,500 paid by the Water Utility. The Utility share is for the cost of oversizing the pipe to serve future development outside the improvement district.

This project will address the Efficient Infrastructure goal by providing water system improvements necessary for new residential and commercial developments. It will also address the Economic Vitality and Affordable Living goal by facilitating new development that is vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Gray moved that the new Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

#### RESOLUTION NO. 06-452

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System No. 448-90080 (along Clifton, from 63<sup>rd</sup> Street South to 55<sup>th</sup> Street South) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent)

#### GROVE/63<sup>RD</sup> ST.

#### PAVE GROVE FROM 63RD STREET SOUTH TO 1,350' SOUTH OF 63RD STREET SOUTH. (DISTRICT III)

Agenda Report No. 06-0866

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide paved access to an industrial tract located south of 63rd St. South, east of Grove.

The Petition totals \$345,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by improving vehicular access to an industrial area.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## RESOLUTION NO. 06-453

Resolution of findings of advisability and resolution authorizing constructing asphalt pavement on Grove Street from 63<sup>rd</sup> Street South to 1,350 feet south of 63<sup>rd</sup> Street South, 472-84438, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

### **CHERYL'S HOLLOW PETITIONS TO CONSTRUCT DRAINAGE AND WATER SYSTEM IMPROVEMENTS IN CHERYL'S HOLLOW ADDITION, NORTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)**

Agenda Report No.06-0867

On December 21, 2004, the City Council approved Drainage and Water System Petitions for the Cheryl's Hollow development. A portion of the area was subsequently sold to another developer and has been replatted into Blackstone Addition. The developer of Cheryl's Hollow Addition has submitted new Petitions to modify the improvement districts to remove the land replatted into Blackstone Addition. Some of the lots in the improvement district have been sold to new homebuyers. The assessments to those lots will not change. The signatures on the petitions represents 95.32% of the lots in the improvement districts and 100% of the lots affected by the new Petitions.

The projects provide Drainage and Water System improvements for a residential development located north of 13th, west of 135th St. West.

The Petition budgets are unaffected.

The projects address the Efficient Infrastructure goal by providing public improvements required for a new residential development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Gray moved that the new Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## RESOLUTION NO. 06-454

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System 448-90029, Cheryl's Hollow Addition (north of 13<sup>th</sup> Street, west of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-455

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 249, Cheryl's Hollow addition (north of 13<sup>th</sup> Street, west of 135<sup>th</sup> Street West) 468-83938, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

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## SEWER MAIN

### CONSTRUCT A SANITARY SEWER MAIN TO SERVE AN AREA NORTH OF 13TH STREET, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Report No.06-0868

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer main service to a new residential development located north of 13th Street, west of 159th Street East. It is also needed as a connection to a sanitary sewer main for the new Andover School to be located north of 21st Street, west of 159th St. East.

The Petition totals \$1,319,000, with \$1,196,000 paid by the Sewer Utility and \$123,000 assessed to the improvement district. City Council policy provides that sanitary sewer mains are funded 50% by the Sewer Utility and 50% by special assessments. However, much of the service area for this project is currently outside the City limits and cannot be assessed at this time. Sewer Main Benefit fees will be assessed to the area as it develops and will recover a large part of the Utility's share the project cost.

This project addresses the Efficient Infrastructure and Economic Vitality goals by facilitating new development that is critical to Wichita's continued growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of the property in the improvement district.

Motion--

Gray moved that the Petition be approved; the authorizing Resolution adopted; the Resolution authorizing revenue bonds adopted; the notice of intent to issue revenue bonds approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

--carried

#### RESOLUTION NO. 06-456

Resolution of findings of advisability and resolution authorizing construction of Main 19, Four Mile Creek Sewer (north of 13<sup>th</sup>, west of 159 Street East) 468-84127, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

#### RESOLUTION NO. 06-457

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$1,196,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

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## **STREET CLOSURES    CONSIDERATION OF STREET CLOSURES/USES.**

### **38TH ANNUAL WICHITA BLACK ARTS FESTIVAL, SEPTEMBER 2-4, 2006 MCADAMS PARK.**

Agenda Report No. 06-0869

In accordance with the Community Events Procedure, Wichita Black Arts Festival Association is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

38th Annual Wichita Black Arts Festival, September 2-4, 2006 McAdams Park

§        Ohio Street from 14th Street to 15th Street

§        16th Street from Ohio to New York Street

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Enhance the Quality of Life

Motion--

Gray moved that the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Event Coordinator be approved. Motion carried 6 to 0, (Mayans absent).

--carried

## **STREET CLOSURES    CONSIDERATION OF STREET CLOSURES/USES.**

### **STREETS CROSSING THE BNSF RAILROAD IN SOUTH WICHITA (DISTRICTS I & III)**

Agenda Report No. 06-0885

The Burlington Northern Santa Fe Railroad (BNSF RR) has scheduled the maintenance of their track corridor along Southeast Boulevard in South Wichita to begin near the end of August 2006. As the work progresses from 31st St. S. to Gilbert the railroad is requesting one-day street closures at the crossing area of the east -west streets identified below. During the street closure the railroad will remove the existing crossing material, replace ties and ballast as necessary, adjust the rail elevation and alignment and re-install the crossing material. The railroads crew will replace ties, deposit ballast material and adjust rail alignment and elevation between crossings as they proceed to the north. Work is expected to be completed by mid-September.

The BNSF RR is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the arterial street closures at Lincoln and Harry, east-west traffic will be detoured to adjacent arterial streets. Although the exact limits of this project are yet to be finalized, work and corresponding one-day closures are expected to take place at crossings on 31st St. S., Wassall, Harry, Washington, Bayley, Lincoln, and Gilbert Streets.

This project addresses the Efficient Infrastructure goal by maintaining safe and dependable transportation systems.

Motion--carried

Gray moved that the street closures be approved. Motion carried 6 to 0, (Mayans absent).

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## FOX RIDGE

### **RESPREAD ASSESSMENTS, FOX RIDGE ADDITION, EAST OF MAIZE, NORTH OF 29TH STREET NORTH. (DISTRICT V)**

Agenda Report No. 06-0870

The landowners, Fox Ridge Development Co., Inc.; Randy Dean Custom Homes; McClellan Homes, Inc.; Legacy Homes, Inc.; Barbara Cushenberry; Scott & Shawna Bishop; Rick & Earlene Linnabary; Greg Thornton; Doug & Martha Mann; Scott Lindebak; Randy & Mary Pfannenstiel; Paul & Marnie Frerman; Todd & Valerie Eaton; Stephen & Nancy Fagan; Linda Graves; Tom & Sharyn Mayo; Dale & Christy Alward; Daniel & Susan Tibbits; Rick & Carol Hladik; Brian Cluck & Jeanne Eichelberger; Thomas & Dawn Dwier; Chris & Stacia Williams; Randy & Candace Kretchmar; Richard & Gwendolyn Weikal; Gregory & Radona Lada; Lonnie & Karen Kliever; Joseph Higaes; Michael & Laura Potter; Keith & Dana Johnston; and Michelle Belin & Traci Earls, have submitted an Agreement to respread special assessments within Fox Ridge Addition.

The land was originally included in an improvement district for a street improvement project. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvement.

There is no cost to the City.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Gray moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## R/R SIGNALS

### **INSTALLATION OF RAILROAD SIGNALS. (DISTRICTS II AND IV)**

Agenda Report No. 06-0871

Representatives of the City, State, and Railroad Company reviewed the railroad crossings on 9th St. N., east of Zoo Boulevard (K&O) and 45th St. N., east of Rock Road (UPRR). As a result of these reviews, signal system upgrades along with the installation of new lights and gates were recommended at both locations.

The Agreements will authorize the suggested signal revisions. The K&O railroad will remove and replace the existing crossing material at the crossing on 9th St. during the signal installation project. During the crossing replacement 9th St. will be closed for 2 or 3 days and the railroad will detour traffic appropriately. The signal installation work at the UPRR crossing on 45th St. should not affect traffic.

The total cost of the proposed signal system improvements will be funded one hundred percent (100%) using Federal Section 130 Funds. The estimated costs of the signal improvements are \$137,683 at the 9th St. crossing and \$153,430 at the 45th St. crossing. The Agreements obligate the City to install and maintain the necessary advance warning signs and pavement markings at the crossing area. This expense, approximately \$2,500 per location, will be paid from the Traffic Maintenance Operating Budget.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.



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The Law Department has approved the Agreements as to legal form.

Motion--  
--carried

Gray moved that the Agreements be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## **TRANSPORTATION      FUNDING FOR PUBLIC TRANSPORTATION.**

Agenda Report No. 06-0872

Each year, the Federal Transit Administration (FTA) provides grant money for use in providing urban public transportation services. The amount of funding is based upon a complex formula involving miles driven, passenger rides provided, population area and density serviced, etc.

The 2000 census figures enlarged the service area for which the City of Wichita is allowed to seek funds to include all of Sedgwick County and other incorporated entities within the urbanized area (UZA). The City can request funds for public transportation services to enhance the programs of Sedgwick County and the urbanized area and pass through those funds as determined by the formula. Using FY2005 carryover funds, the pass-through will be \$50,000 to Derby for planning and maintenance activities for a new service starting January 1, 2007. All figures are 80 percent federal and 20 percent matched by the receiving agency.

The City will have no part in operating these transportation programs. It will give guidance for the federal reporting required under the grant. By the attached Interlocal agreement, the City of Derby will agree to adhere to all federal program requirements attached to the grant. The Law Department has prepared these agreements.

Motion--carried

Gray moved that the Interlocal agreement be approved. Motion carried 6 to 0, (Mayans absent).

## **PSYC. SERVICES      PSYCHOLOGICAL SERVICES.**

Agenda Report No. 06-0873

The Wichita Police Department has a continuing need to contract for psychological services for self-referral counseling, fitness-for-duty assessments, critical incident stress management coordination and related training for police employees. The current contract for these services expires at the end of August.

A request for Proposal (FP600068) was issued to secure a qualified contractor and three proposals were received. A selection committee comprised of City staff and a Wichita State University Psychology Department professor evaluated the proposals. Based upon experience, qualifications, proposal specifications, level of service, and cost, the selection committee recommends Wichita Psychiatric Consultants.

The funding for psychological services is included in the Police Department's budget.

Provide a safe and secure community by providing essential psychological services to police personnel.

The Law Department has approved the contract as to form.

Motion--  
--carried

Gray moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

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## MONARCH ADD.

### MONARCH LANDING ADDITION, NORTH OF 21ST STREET, WEST OF 159TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0874

The City Council approved the sanitary sewer improvements in Monarch Landing Addition on August 8, 2006.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of sanitary sewer in Monarch Landing Addition. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$49,500 and will be paid by special assessments and Sewer Utility.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of sewer improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Gray moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## FALCON FALLS

### FALCON FALLS THIRD ADDITION, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 06-0875

The City Council approved the paving improvements in Falcon Falls 3rd Addition on November 8, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of paving in Falcon Falls 3rd Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$28,400 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Gray moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

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## 29<sup>TH</sup> ST. NORTH

### 29TH STREET NORTH IMPROVEMENT, RIDGE TO TYLER. (DISTRICT V)

Agenda Report No. 06-0876

On February 7, 2006, the City Council approved a construction contract with LaFarge North America to improve 29th St. North, between Ridge and Tyler. During the construction of the project, a number of unforeseen items developed that should be addressed as a change order:

A water line was lowered to avoid a conflict with a storm sewer pipe.

A concrete wall was replaced due to a conflict with a storm drain and an inlet was relocated.

Extra excavation and storm sewer pipe is needed to properly drain adjoining property.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$48,605 with \$25,250 paid by Federal Grants, \$17,043 paid by the Water Utility and \$6,312 paid by City General Obligation bonds. The original contract amount is \$3,042,334. This Change Order represents 1.60% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving the traffic capacity and safety along a major transportation corridor.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Gray moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## PROPERTY ACQ.

### PERMANENT EASEMENTS BY EMINENT DOMAIN FOR MAIN 19, FOUR MILE CREEK SEWER PROJECT. (DISTRICT II)

Agenda Report No.06-0877

The Water and Sewer Department is designing a project to extend sanitary sewer lines to newly developing areas in northeast Wichita. The project will serve new residential developments in the area west 159th Street east and north of 13th Street North as well areas further south to I-35. The City Council approved this project on August 22, 2006. The project requires the acquisition of permanent and temporary easements across the property located at 15455 East 13th. Agreement has not been reached with this property owner. The project requires a permanent easement over 2.60 acres of the site and a temporary easement over 8.56 acres of the site.

City staff has been attempting to negotiate a purchase of the easements but have been unable to reach an agreement with the owner. An offer of \$75,000 was made for the acquisition. The owner has requested \$192,000 plus no charges for the sewer assessment district or any future sewer hookups. Staff will continue to negotiate with the owner, but due to project timing it is necessary to initiate eminent domain.

The cost of this acquisition will be paid for by assessments to the improvement district and the City at large.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly

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The Law Department has approved the resolution and ordinance as to form.

Motion--

Gray moved that the resolution be adopted; the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition placed on first reading and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

--carried

## RESOLUTION NO. 06-458

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned sanitary sewer extension project in northeast Wichita, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of sanitary sewer to serve an area north of 13th Street North and west of 159th Street east in Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

**UNSAFE STRUC.**

### **REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I & III)**

Agenda Report No. 06-0878

On August 7, 2006, the Board of Code Standards and Appeals (BCSA) held a hearing on the following seven (7) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Violation notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

| <u>Property Address</u> | <u>Council District</u> |
|-------------------------|-------------------------|
| a. 1134 North Poplar    | I                       |
| b. 221 North Spruce     | I                       |
| c. 1055 North Green     | I                       |
| d. 1625 North Grove     | I                       |
| e. 2302 North Piatt     | I                       |
| f. 520 West Clark       | III                     |
| g. 1828 South Santa Fe  | III                     |

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued revitalization of the Core Area. Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

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These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Gray moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on October 3, 2006 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 6 to 0, (Mayans absent).

--carried

## RESOLUTION NO. 06-439

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 114, Mona, now Poplar Street, Fairmount Park Addition, to Wichita, Sedgwick County, Kansas, known as 1134 North Poplar may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton. (Mayans absent).

## RESOLUTION NO. 06-440

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 16, Spruce Avenue, Park Place Addition to Wichita, Sedgwick County, Kansas, known as 221 North Spruce may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton. (Mayans absent).

## RESOLUTION NO. 06-441

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 42 and 44, Block 2, Esterbrook Park Addition to Wichita, Sedgwick County, Kansas, known as 1055 North Green may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton. (Mayans absent).

## RESOLUTION NO. 06-442

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 67 and 69, on Tyler, now Grove Street, Logan Addition to Wichita, Sedgwick County, Kansas, known as 1625 North Grove may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton. (Mayans absent).

## RESOLUTION NO. 06-443

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 9, Block 6, Wilber's Addition to Wichita, Sedgwick County, Kansas, known as 2302 North Piatt may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton. (Mayans absent).

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## RESOLUTION NO. 06-444

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 18 and 20, on Gold Street, Fair Grounds Second Addition to Wichita, Sedgwick County, Kansas, known as 520 West Clark may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton. (Mayans absent).

## RESOLUTION NO. 06-445

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 22,24 and the North 15 feet of Lot 26, to Wichita, Sedgwick County, Kansas, known as 1828 South Santa Fe may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans).

## LOT CLEANUP

### AWARD OF PRIVATE LOT CLEANUP, NUISANCE ABATEMENT CONTRACT.

Agenda Report No.06-0879

The Department of Environmental Services supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. Kansas's law and local ordinances allow the City to clean up private property that is in violation of environmental standards after proper notification of the responsible party.

A private contractor performs the work, and the City bills the cost to the property owner directly or as a special property tax assessment. Two contractors submit not-to-exceed estimates on each property to be cleaned, based on a set hourly labor and equipment schedule, and a work order is issued to the contractor furnishing the low estimate. The current contract expires on August 31; four proposals were received in response to the City's Request for Proposal issued on June 30.

A Staff Screening and Selection Committee reviewed proposals on July 17. Proposals were evaluated on the basis of qualifications, experience, references, and costs. Telephone interviews, with all four companies submitting proposals, were held on August 1. Based on these criteria the Committee recommends award of the contracts to Green-Glo and H.D. Mills & Sons.

Funding for private lot cleanup has been provided in the City's 2006 adopted and 2007 proposed budgets.

The Law Department will review and approve the contracts as to form. The contracts will be for one year with an annual renewal options for an additional two years.

This supports Dynamic Core Area and Vibrant Neighborhoods.

Motion--  
--carried

Gray moved that the contracts with Green-Glo and H.D. Mills & Sons to provide private lot cleanup, be approved and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

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## WEAPONS

### WEAPONS DESTRUCTION:

Agenda Report No. 06-0880

The Police Department has requested authorization to destroy several weapons, which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided (attached), as Exhibit A – 30 long guns and 53 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion--carried

Gray moved that the list of weapons be received and filed. Motion carried 6 to 0, (Mayans absent).

## CLAIM

### SETTLEMENT OF CLAIM.

Agenda Report No. 06-0881

On December 15, 2004, claimant was a passenger in a motor vehicle involved in an accident with a city employee; physical injuries are claimed as a result.

After investigating the claim, evaluating the nature and extent of claimed injuries and damages, and considering the risks of trial, the City determined that a resolution of the matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$125,000.00 as full settlement of all claims of this claimant, arising out of the collision.

Funding for this settlement is from the City's Tort Liability Fund.

Safe and Secure Community.

The Law Department recommends acceptance of the offer of settlement.

Motion--

Gray moved that the payment of \$125,000.00 be authorized as full settlement of all possible claims regarding this individual arising out of the accident, which is the subject of this claim. Motion carried 6 to 0, (Mayans absent).

--carried

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## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ AUGUST 15, 2006).

- a) Abatement of Dangerous and Unsafe Structures. (Districts I, III, IV & V)

#### ORDINANCE NO. 47-109

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

- b) 2007 Annual Operating Budget and Revisions to the 2006 Budget.

#### ORDINANCE NO. 47-110

1. An Ordinance amending Section 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said Section, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

#### ORDINANCE NO. 47-111

2. An ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said Section read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

- c) A06-17R-generally located northeast of the intersection 327th Street West and 111th Street South. (District IV)

#### ORDINANCE NO. 47-112

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent). (A06-17)



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## PLANNING AGENDA

Motion--  
--carried

Gray moved that the Planning Consent Agenda be approved in accordance to the recommended shown thereon. Motion carried 6 to 0, (Mayans absent).

**SUB2006-58**

### **SUB2006-58-PLAT OF THE HOME DEPOT ADDITION, LOCATED ON THE SOUTHWEST CORNER OF 47TH STREET SOUTH AND BROADWAY. (DISTRICT IV)**

Agenda Report No. 06-0882

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-1)

The Commissioner that cast the dissenting vote expressed concerns with the number of drainage conditions that had not been met.

This site, consisting of six lots on 18.18 acres, is a replat of a portion of the Broadway 47 Plaza 2nd Addition. A zone change request (ZON 2006-26) from LC, Limited Commercial District to GC, General Commercial District has been approved for portions of the site, and it is subject to the Broadway 47 Plaza Commercial Community Unit Plan (CUP 2006-29/DP-28). A Notice of Community Unit Plan (CUP Certificate) has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer and water improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Certificate of Petitions and CUP Certificate will be recorded with the Register of Deeds.

Motion--  
--carried

Gray moved that the documents and plat be approved; the necessary signatures authorized; the resolutions adopted and the ordinance placed on first reading with publication being withheld until the plat is recorded with the Register of Deeds. Motion carried 6 to 0, (Mayans absent).

## RESOLUTION NO. 06-446

Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90223 (south of 47th Street South, west of Broadway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton. (Mayans absent).

## RESOLUTION NO. 06-447

Resolution of findings of advisability and resolution authorizing construction of Lateral 33, Main 2, Southwest Interceptor Sewer (south of 47th Street south, west of Broadway) 468-84215, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Skelton. (Mayans absent).

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## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (ZON2006-26)

SUB2006-61

### **SUB2006-61-PLAT OF AVALON PARK FOURTH ADDITION, LOCATED EAST OF TYLER ROAD AND NORTH OF 37TH STREET NORTH. (DISTRICT V)**

Agenda Report No.06-0883

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of eight lots on 2.56 acres, is a replat of a portion of the Avalon Park 3rd Addition. This site is located in Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water and drainage improvements. A Restrictive Covenant was submitted to: 1) provide the continued sharing in the ownership and maintenance responsibilities of the previously platted reserves in Avalon Park 3rd Addition that are not included in this site; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Restrictive Covenant was also submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Goal Impact: Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--  
--carried

Gray moved that the documents and plat be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 6 to 0, (Mayans absent).

## RESOLUTION NO. 06-448

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90225 (east of Tyler, north of 37th Street North, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-449

Resolution of findings of advisability and resolution authorizing construction of Lateral 26, Main 19, Southwest Interceptor Sewer (east of Tyler, north of 37th Street North) 468-84216, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

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## RESOLUTION NO. 06-450

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain no. 300 (east of Tyler, north of 37th Street North) 468-84217 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

## RESOLUTION NO. 06-451

Resolution of findings of advisability and resolution authorizing constructing pavement on Lake Ridge from the south line of Avalon Park 3rd to the west line of Lot 36, Block 1; Lake Ridge Court from the east line of Lake Ridge to and including the cul-de-sac; Lake Ridge Court from the west line of Lake Ridge to and including the cul-de-sac; Candlewood Circle from the west line of Lake Ridge to and including the cul-de-sac; and a sidewalk to be installed along the east line of Lake Ridge (east of Tyler, north of 37th Street North) 472-84441, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, (Mayans absent).

**ZON2001-00053**

**ZON2001-00053-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL WITH A RESTRICTIVE COVENANT TO LIMIT USES AND MODIFY DEVELOPMENT STANDARDS. GENERALLY LOCATED SOUTH OF 45TH STREET NORTH AND WEST OF WEBB ROAD, 4211 NORTH WEBB ROAD. (DISTRICT II)**

Agenda Report No. 06-0884

Staff Recommendation: Approve two-year extension of time to complete platting.

On October 2, 2001, the City Council approved a zone change request from "SF-5" Single-Family Residential to "LI" Limited Industrial with a restrictive covenant to limit uses and modify development standards on property generally located south of 45th Street North and west of Webb Road at 4211 N. Webb Road. Approval of the request was subject to the condition of platting the property within one year. An application to plat the property was approved by the Metropolitan Area Planning Commission on March 21, 2002. Three one-year extensions of time to complete platting have been subsequently granted. The extended platting deadline was October 2, 2005; however, the applicant indicates that the additional time is needed due to the sale of the Ritchie Corporation. Therefore, the applicant has requested an additional two-year extension of time to complete platting. Such an extension of time to complete platting requires City Council approval.

Staff recommends that an extension of time to complete platting requirements be granted to October 31, 2007. The City Council may deny the request for an extension of time to complete platting. Denying the extension would declare the zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

Promote Economic Vitality and Affordable Living.

No legal documents are required to enact the granting of platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--  
--carried

Gray moved that the extension of time to complete platting to October 31, 2007 be approved. Motion carried 6 to 0, (Mayans absent).

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## CITY COUNCIL

### TRAVEL EXPEND

APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO HUTCHINSON, KANSAS TO SPEAK TO INMATES AT HUTCHINSON CORRECTIONAL FACILITY AND TO MANHATTAN, KANSAS TO ATTEND LEAGUE OF KANSAS MUNICIPALITIES GOVERNING BODY MEETING, SEPTEMBER 7 & 8, 2006.

Motion--carried

Gray moved that the expenditures be approved. Motion carried 6 to 0, (Mayans absent).

### RECESS

#### EXECUTIVE SESSION

Motion--

Vice-Mayor Gray moved that the City Council recess into Executive Session at 9:40 a.m. to consider: Consultation with legal counsel on matters privileged the attorney-client relationship relating to: legal advice, personnel matters of non-elected personnel and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 10:15 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 6 to 0, (Mayans absent).

--carried

### RECONVENE

The City Council reconvened in the Council Chambers at 10:33 a.m. Vice-Mayor Gray announced that no action was made.

Motion--carried

Gray moved at 10:33 a.m. to close the Executive Session. Motion carried 7 to 0.

Motion--carried

Gray moved at 10:34 a.m. to close the Regular Meeting. Motion carried 7 to 0.

### ADJOURNMENT

The meeting adjourned at 10:34 a.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk

\*\*\*Workshop followed in the Council Chambers\*\*\*